

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**TOWN OF FRAMINGHAM REQUEST FOR
DETERMINATION OF RATES APPLICABLE TO
TRANSPORTATION AND TREATMENT OF SEWAGE
PURSUANT TO INTERMUNICIPAL AGREEMENT**

D.T.E. 02-46

**ASHLAND’S MOTION FOR REQUEST FOR CLARIFICATION REGARDING the
D.T.E. FINAL ORDER ISSUED FEBRUARY 13, 2004**

The town of Ashland (“Ashland”), hereby respectfully requests that the Department of Telecommunications and Energy (“Department”) clarify its February 13, 2004 Final Order (“Order”) regarding the following issues:

On page 17 of the Order, the Department states that “[more] than a discrete subset of Framingham’s system is used to provide service to Ashland.” Is the Department’s rationale for this that Ashland’s sewage varies depending on the volume of flow and hydraulic conditions per the previous sentence in the Order? Does the Department meant to say that there are not finite pipes which Ashland uses even given these variations?

On page 20 of the Order, the Department states that “the mathematical effect of adjusting both total flow and total O&M by the same factor is for these adjustments to cancel each other out.” We ask that the Department clarify or illustrate what is meant that “these adjustments . . . cancel each other out.”

Just as with all other municipalities, Ashland must be able to predict and estimate the costs it will incur from year to year. The Order does not address notice requirements. For Ashland to budget properly, Framingham should be required to provide Ashland with at least six months notice of upcoming expected O&M and capital expenditures. Second, the Order provides no procedure for review of capital expenditures. Ashland should have the opportunity

to review and comment on capital expenditures to determine whether they are necessary, whether alternative means and methods for the performance capital projects are suitable and whether the expenditures are reasonable.

On page 28 of the Order it states that “Similarly, Ashland concedes as shared pipes those pipes identified in Framingham’s response to the Department’s request for a list of pipes used to transport Ashland’s sewage during dry weather conditions (Ashland Initial Brief at 12, citing DTE-RR-8).” On page 48 of the Order, its states that “Section IV of this Order discusses the basic principle for allocating capital costs as well as two special cases: (1) capital project in an area in which there are parallel pipes” We seek clarification as to which pipes exactly are the subject of the three formulas.

Given that the Department’s responses to these questions will be a factor in Ashland’s determination as to whether it will appeal, Ashland requests that the Department stay the time in which Ashland may file a petition for appeal and provide an additional ten days in which to file a petition for appeal upon the Department’s response.

Respectfully submitted,

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Dated:_____

CERTIFICATE OF SERVICE

I, Maureen P. Hogan, hereby certify that on this ____ day of March 2004, I served the foregoing by mailing a copy first class, postage prepaid, to:

Christopher J. Petrini, Esq.
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